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# NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

AZSI-P-010

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

In re Application of

AJIT K. ZACHARIAS

Application Number

10/089,756

Filed

OCT. 4, 2000

For SECURE MULTI-APPLICATION CARD SYSTEM

Art Unit

2876

Examiner

SEUNG H. LEE

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 330.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 165.00

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☒ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86)

☐ attorney or agent of record. Registration number \_\_\_\_\_

☐ attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

A.K. Zacharias

Signature

AJIT K. ZACHARIAS

Typed or printed name

(905) 794-2752

Telephone number

Feb. 6, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/10/2004 NGBREH1 00000159 10089756

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FEB 10 2004

OFFICIAL

February 6, 2004

Applicant : Ajit K. Zacharias  
Appl. No. : 10/089,756  
I.A. Filing Date : October 4, 2000  
Priority Date : October 15, 1999  
Title : Secure Multi-Application Card System  
Grp. Art Unit : 2876  
Examiner : Mr. Seung H. Lee  
Docket No. : AZSI-P-010

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Notice of Appeal in response to Office Action of November 17, 2003

Dear Sir/Madam:

I wish to appeal the decision by the Examiner concerning my claims, amended by me in response to his Office Action of June 19, 2003, and pertaining to the present application.

In my explanations, I cited my previously granted patents, US Pat. 6,494,367 and European Patent EP 1221144, and my approved (now issued) Canadian patent CA 2,381,807 pertaining to the same invention. This application (10/089,756) is intended to clarify my claims in US Pat. 6,494,367 in order to avoid infringement. I amended many of the claims and provided explanations that clearly differentiate my invention from the teachings of ROSE and PIERCE. Despite the fact that examiners from the European Patent Office and the Canadian Intellectual Property Office recognize the claims as different from the teachings of ROSE, the Examiner of this application insists that it is similar to the teachings of ROSE. I request an independent and unbiased opinion on my invention and claims. Specifically, I wish to appeal the decision of the Examiner to disallow Claims 28, 29, 30, 32, 35, 36, 44, 45, 46, 47, 48, 49, 50, 51 and 52.

As required, I will submit an Appeal Brief within the required 60 days. If you have any questions, kindly contact me by phone at (905) 794-2752, or email me at [ajitzac@rogers.com](mailto:ajitzac@rogers.com). Thank you.

Sincerely,



Ajit K. Zacharias  
Sole Inventor and Applicant

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FEB 10 2004

***FAX***

**OFFICIAL**

To: **Commissioner for Patents  
USPTO  
P. O. Box 1450  
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Date: February 6, 2004

**This fax contains 4 pages (including this page)**

**Re: Patent Application 10/089,756**

**Here are two forms (PTO/SB/31 and PTO-2038) and a letter pertaining to a Notice of Appeal in response to your Office Action of November 17, 2003. Thank you.**

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